

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )      **CASE NO. 3:06-1156**  
v.                            )      **Judge Echols**  
                                )  
**REAL PROPERTIES AND PREMISES**     )  
**KNOWN AS 323 FORREST PARK DRIVE,**    )  
**UNIT 2-4, MADISON, DAVIDSON COUNTY,**    )  
**TENNESSEE, AND 808 NORTH FIFTH**        )  
**STREET, NASHVILLE, DAVIDSON**         )  
**COUNTY, TENNESSEE WITH ALL**         )  
**APPURTEANCES AND IMPROVEMENTS**    )  
**THEREON,**                         )  
  )  
Defendant.                     )

**ORDER**

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) Plaintiff's Motion for Summary Judgment (Docket Entry No. 28) is hereby GRANTED IN PART and DENIED IN PART as follows:

(A) The Motion is GRANTED with respect to any and all claims made by Amilcar C. Butler in relation to the Defendant Properties and Amilcar C. Butler's purported claims to the Defendant Properties are hereby DISMISSED WITH PREJUDICE;

(B) The Motion is DENIED with respect to the claims made by Robert Butler. Robert Butler is hereby ORDERED to file an Answer to the Government's Verified Complaint for Forfeiture (Docket Entry No. 1) within ten (10) days of the

date of entry of this Order. Said Answer shall be filed in accordance with Rule 8(b) of the Federal Rules of Civil Procedure which means that Robert Butler shall admit or deny each averment in the Verified Complaint, or indicate that he is without knowledge or information sufficient to form a belief as to the truth of a specific averment contained in the Verified Complaint. Robert Butler is hereby given notice that the failure to file an Answer which substantially complies with the requirements of Rule 8(b) within the time provided by this Order may result in the dismissal of his claims as to the Defendant Properties;

(2) Robert C. Butler's Motion for Default Judgment or to Dismiss (Docket Entry No. 30) is hereby DENIED;

(3) "Plaintiff's Motion to Dismiss as Moot Robert C. Butler's 'Motion for Default Judgment, or Alternatively, Motion to Dismiss,' and Plaintiff's Motion to Dismiss as Moot" (Docket Entry No. 31) is hereby DENIED;

(4) Amilcar C. Butler's Motion to Dismiss, Motion for Summary Judgment on the Pleadings and Cross-Motion for Summary Judgment (Docket Entry No. 37) is hereby DENIED;

(5) Amilcar Butler's "Writ of Mandamus Strike Government's Response to Secured Party's Motion to Dismiss" (Docket Entry No. 40) is hereby DENIED; and

(6) Amilcar C. Butler's Petition for Leave to File Instanter Required Responses to Plaintiff's Factual Contentions (Docket Entry No. 42) is hereby GRANTED.

This case is referred to the Magistrate Judge to meet with the parties and determine what, if any, discovery needs to be taken prior to a hearing on Robert Butler's claims on the subject properties. The Court would like to hold a final hearing on the Government's complaint for forfeiture in approximately ninety (90) days.

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE